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**AUG 20 2007**

### FAX COVER PAGE

DATE: August 20, 2007

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TO: Examiner Javier G. Blanco, Group Art Unit 3738  
COMPANY: U.S. Patent and Trademark Office

FAX NUMBER: 571-273-8300  
PHONE NUMBER:

FROM: Douglas A. Collier

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FAX NUMBER: (317) 636-1507

RE: Response to Final Office Action for U.S. Patent Application No. 10/721,642 to George Frey et al.

COMMENTS: I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-8300 on:

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Client Matter No.: 333 MSDI-1

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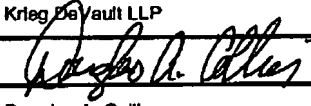
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/721,842	
	Filing Date	November 25, 2003	
	First Named Inventor	George Frey et al.	
	Art Unit	3738	
	Examiner Name	Javier G. Blanco	
Total Number of Pages in This Submission	27	Attorney Docket Number	MSDI-263/PC401:15

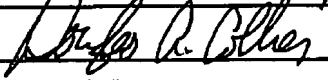
ENCLOSURES (Check all that apply)		
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Remarks		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Krieg DeVault LLP		
Signature			
Printed name	Douglas A. Collier		
Date	August 20, 2007	Reg. No.	43,556

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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Typed or printed name	Douglas A. Collier	Date	August 20, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

AUG 20 2007

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:	)	
	)	Before the Examiner
George Frey et al.	)	Javier G. Blanco
	)	
Serial No.: 10/721,642	)	Group Art Unit: 3738
	)	
Filed: November 25, 2003	)	Attorney Docket: MSDI-263/PC401.15
	)	
DEVICES AND TECHNIQUES FOR A	)	August 20, 2007
POSTERIOR LATERAL DISC SPACE	)	
APPROACH	)	

RESPONSE TO FINAL OFFICE ACTION

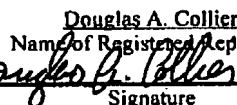
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Sir:

In response to the Final Office Action mailed June 19, 2007, please enter and consider the following amendments and remarks. No fees or extensions of time are believed due for consideration of the enclosed, which is being submitted the first business day after the two month deadline from the mailing of the final action. However, please provide any extensions of time necessary and charge any fees which may be due to Deposit Account No. 12-2424, but not to include any payment of issue fees.

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Name of Registered Representative  
  
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August 20, 2007  
Date of Signature

Response to Final Office Action  
Serial No. 10/721,642  
Attorney Docket No. MSDI-263/PC401.15  
Page 1 of 26